

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

KELVIN MARION, Inmate #06032-028,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 06-799-MJR
)	
FCI GREENVILLE, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Plaintiff, an inmate in the Federal Correctional Institution in Greenville, Illinois, brings this action for alleged violations of his constitutional rights by persons acting under the color of federal authority. *See Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971). This case is now before the Court for a preliminary review of the complaint pursuant to 28 U.S.C. § 1915A, which provides:

- (a) **Screening.**— The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.
- (b) **Grounds for Dismissal.**— On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—
 - (1) is frivolous, malicious, or fails to state a claim on which relief may be granted; or
 - (2) seeks monetary relief from a defendant who is immune from such relief.

28 U.S.C. § 1915A. An action or claim is frivolous if “it lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Upon careful review of the complaint and any supporting exhibits, the Court finds it appropriate to exercise its authority under § 1915A; Plaintiff has failed to state a claim, and this action thus is subject to summary dismissal.

In this action, Plaintiff complains about the persistent lack of medical treatment for his various foot ailments; he argues that Defendants have been deliberately indifferent to his serious medical needs, in violation of his rights under the Eighth Amendment. In his statement of claim, he

makes reference to several individuals at FCI-Greenville. However, none of these individuals is named as a defendant in the caption, and Plaintiff's self-styled complaint does not include a separate section in which he identifies, by name, any individual defendant. Instead, he lists only FCI-Greenville and the Bureau of Prisons as defendants. However, the Bureau of Prisons and its entities, as a federal agency, are not amenable to suit in a *Bivens* action. *See FDIC v. Meyer*, 510 U.S. 471, 483-486 (1994). Rather, a *Bivens* action provides for a remedy against federal agents, acting in their individual capacities. *Id.* *See also Glaus v. Anderson*, 408 F.3d 382, 389 (7th Cir. 2005) ("federal prisoners suing under *Bivens* may sue relevant officials in their individual capacity only"). Therefore, in order for Plaintiff to possibly succeed with his claims related to medical care for his feet, he must file his claims against individually-named defendants, rather than federal agencies.

Because Plaintiff has failed to state a claim against any named defendant, the complaint is **DISMISSED** without prejudice. Plaintiff is **GRANTED** leave to file an amended complaint, in accordance with this Memorandum and Order, within **THIRTY DAYS** of the date of entry of this Order.

IT IS FURTHER ORDERED that upon conclusion of the thirty-day period, should Plaintiff fail to file an amended complaint, this case will be closed for failure to state a claim and for failure to comply with an order of this Court. FED.R.CIV.P. 41(b); *see generally Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994).

The Clerk is **DIRECTED** to provide Plaintiff with FIVE (5) copies of this District's forms for use in preparing his amended complaint.

IT IS SO ORDERED.

DATED this 5th day of June, 2007.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge